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August 25, 2020

File No. 50027.1076

VIA ECF

Honorable Barbara Moses
United States District Court,
Southern District of New York
500 Pearl Street, Courtroom 620A
New York, New York 10007

MEMO ENDORSED

Re: Industrial Quick Search, Inc., et. al. v. Miller, Rosado & Algios, LLP, et. al.
Docket No.: 1:13-civ-05589 (ER)

Dear Judge Moses:

We represent the defendants in the above-referenced action. We write this letter jointly with the plaintiffs, concerning Your Honor's Order, dated May 14, 2020, instructing the parties to attend mediation on September 3, 2020, at 2:15 p.m. [Doc. No. 144].

The parties hereby respectfully request that the mediation be adjourned to November 18th or 19th, or any other mutually-agreeable date, provided that in-person mediation is feasible at this time. The parties may also be available on November 20th. From the onset, both parties have requested that mediation be conducted *in person* because, given the facts and the parties involved, we believe this will be most productive forum for potential dispute resolution. Conducting in-person mediation is presently infeasible given the measures put in place to prevent the spread of the COVID-19 pandemic, and it would be a significant hardship to both the parties and counsel to participate in mediation under these conditions. Plaintiff's counsel Henry Emrich and plaintiff Michael Meiresonne are both over the age of 60 and will have to fly from Michigan to New York to attend mediation. There are also restrictions in both states requiring or recommending a self-quarantine period on both sides of travel.¹ Named defendant, attorney Neil Miller, was previously hospitalized after testing positive for COVID-19. Therefore, to protect the health and well-being of those involved, we respectfully request that Your Honor grant an adjournment of the mediation. We believe this to be the

¹ Michigan is presently on the New York Department of Health list of restricted states. This list is reportedly updated weekly and based on positive tests in excess of 10%. See, coronavirus.health.ny.gov/covid-travel-advisory.

safest and most prudent course of action, both for the health of the participants and to potentially protect the Court's time and resources if this matter is able to settle without the need for a jury trial.

In conjunction with this request, the parties have also sought an adjournment of the trial in this matter before the Honorable Eduardo Ramos to March or April 2021. This request is pending.

If this Court requires anything further, please do not hesitate to contact the undersigned.

Respectfully,

/s/ Mark K. Anesh

Mark K. Anesh of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Application GRANTED to the extent that the settlement conference currently scheduled for September 3, 2020 at 2:15 p.m., is hereby ADJOURNED to **November 19, 2020, at 2:15 p.m.** In advance of the adjourned conference, the parties shall comply with all of the pre-conference requirements previously set forth in the Court's Order Scheduling Settlement Conference (Dkt. No. 144). If an in-person conference is feasible on November 19 in light of public health conditions, it will take place in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. If an in-person conference is not feasible on November 19, the Court will not further adjourn the conference on that basis. Instead, the settlement conference will go forward via teleconference or video conference, as outlined in ¶ 6 of the Order Scheduling Settlement Conference. SO ORDERED.



Barbara Moses
United States Magistrate Judge
August 27, 2020